

## **3 FAM 3120**

# **FOREIGN SERVICE AND CIVIL SERVICE SALARIES**

*(CT:PER-678; 06-22-2012)*  
*(Office of Origin: HR/RMA)*

## **3 FAM 3121 FOREIGN SERVICE SALARIES**

### **3 FAM 3121.1 Appointment Rate**

#### **3 FAM 3121.1-1 Foreign Service Officer Career Candidates**

*(TL:PER-327; 11-6-96)*  
*(State Only)*  
*(Applies to Foreign Service Employees Only)*

- a. A Foreign Service officer career candidate is appointed initially to a class in the Foreign Service Schedule not to exceed class 4 and at a salary rate within the class to which appointed. The Secretariat of the Board of Examiners for the Foreign Service determines the appropriate class and salary rate, taking into consideration factors deemed appropriate by the Board including the officer's qualifications, experience, and education.
- b. In individual cases under section 307 of the Foreign Service Act of 1980, as amended, the Secretary may determine that assignment to a higher class is warranted because:
  - (1) Of qualifications (including foreign language competence) and experience of the candidate, and needs of the Service; or
  - (2) The candidate is already serving in a career appointment in the Service in a class above class 4 in the Foreign Service Schedule.

#### **3 FAM 3121.1-2 Foreign Service Specialist Career Candidate**

*(CT:PER-672; 04-26-2012)*  
*(State Only)*  
*(Applies to Foreign Service Employees Only)*

A Foreign Service specialist career candidate is appointed at a class in the Foreign Service Schedule, and at a salary rate within the class, which the Secretariat of the Board of Examiners for the Foreign Service, taking into consideration factors

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U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

including qualifications, experience, and education, must determine to be appropriate.

### **3 FAM 3121.2 Within-Class Salary Increases**

#### **3 FAM 3121.2-1 Legal Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Legal authorities are:

- (1) 22 U.S.C. 3966 (Section 406, Foreign Service Act of 1980, as amended);
- (2) 22 U.S.C. 4002 (Section 602, Foreign Service Act of 1980, as amended);  
and
- (3) 22 U.S.C. 4137 (Section 1107, Foreign Service Act of 1980, as amended).

#### **3 FAM 3121.2-2 Policy**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

It is the policy of the Department to provide periodic salary increases for members of the Service receiving a salary under the Foreign Service Schedule who are paid at a step below the maximum step of their class.

### **3 FAM 3121.3 Meritorious Service Increase (MSI)**

#### **3 FAM 3121.3-1 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Authority for a Meritorious Service Increase (MSI) is 22 U.S.C. 3966(b) (Section 406(b) of the Foreign Service Act of 1980, as amended).

#### **3 FAM 3121.3-2 Policy**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

It is the policy of the Department to provide an increase to the next higher step of the member's class for especially meritorious service.

### 3 FAM 3121.3-3 Definition

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Meritorious Service Increase (MSI): An increase to the next higher salary rate within a Foreign Service class for especially meritorious service. It is in addition to any regular step increase granted for time in class and meeting required standards of performance.

### 3 FAM 3121.3-4 Coverage

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

This section applies to members of the Foreign Service in classes 1 through 9 of the Foreign Service Schedule whose salary is less than the maximum for the class.

### 3 FAM 3121.3-5 Limitations

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. No member will be granted more than one Meritorious Service Increase (MSI) step during any 52-week period.
- b. An MSI is not an equivalent increase, but will delay a within-class increase in cases where a member moves from a step with a 52-week waiting period to one with a 104-week waiting period.
- c. If, after receiving a MSI, a member's salary is set at a step with a 52-week waiting period, i.e., at step 9 or below, the next regular within-class increase will be effective 52 weeks from the member's last regular within-class step increase. If a member's salary is set at a step with a 104-week waiting period requirement, i.e., at step 10 or higher, the next regular within-class step increase will be given 104 weeks from the date of the last regular within-class step increase.

### 3 FAM 3121.3-6 Effective Date

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

A Meritorious Service Increase (MSI) becomes effective on the first day of the first pay period following the date of approval.

## **3 FAM 3121.4 Remedial Within-Class Increases**

### **3 FAM 3121.4-1 Policy**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

It is the policy of the Department to correct an error or prevent an injustice by providing an increase to a higher salary rate within a class pursuant to the recommendation of a duly constituted grievance board or panel or an equal employment opportunity examiner.

### **3 FAM 3121.4-2 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The authority for this policy is 22 U.S.C. 4006 (section 606 of the Foreign Service Act of 1980, as amended).

### **3 FAM 3121.4-3 Effective Date**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

A remedial within-class increase may be made effective retroactively by the Secretary where a prospective increase alone would not constitute an adequate remedy.

### **3 FAM 3121.4-4 Effect on Waiting Period**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

A remedial within-class increase is not an equivalent increase.

## **3 FAM 3121.5 Promotion**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

See 3 FAM 2320.

## **3 FAM 3122 SENIOR FOREIGN SERVICE (SFS) PAY SETTING**

### **3 FAM 3122.1 Policy**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

It is the policy of the Department to provide Executive Service (ES) pay rates for all promotions or appointments to the Senior Foreign Service (SFS) and subsequent adjustments within a class based on performance.

### **3 FAM 3122.2 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Authorities are:

- (1) 22 U.S.C. 3962(a)(2) (section 402(a)(2) of the Foreign Service Act of 1980, as amended); and
- (2) 5 U.S.C. 5382.

### **3 FAM 3122.3 Appointments**

#### **3 FAM 3122.3-1 Appointments from the Civil Service**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Except as provided under 3 FAM 3122.3-2, limited appointments made to the Senior Foreign Service (SFS) will be at the lowest salary level within the class (Counselor or Minister-Counselor) to which appointed which equals or exceeds the employee's scheduled rate of pay immediately prior to the appointment.

#### **3 FAM 3122.3-2 Appointments from the Career Senior Executive Service (SES)**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. An individual who is a career appointee in the Senior Executive Service (SES) receiving basic pay at one of the rates payable under 5 U.S.C. 5382, and who

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U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

accepts a limited appointment in the Senior Foreign Service (SFS) at a salary class for which the basic salary rate is less than such basic rate of pay, must be paid a salary at his or her former basic rate of pay (with adjustments as provided in paragraph b of this section) until the salary for his or her salary class in the SFS equals or exceeds the salary payable to such individual under this paragraph.

- b. The salary paid to an individual under this section must be adjusted by 50 percent of each adjustment which takes effect after the appointment of such individual to the SFS, in the basic rate of pay at which the individual was paid under 5 U.S.C. 5382, immediately prior to such appointment.

### **3 FAM 3122.3-3 Appointments from Outside the U.S. Government**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. Limited appointments made to the Senior Foreign Service (SFS) will be at the lowest salary level within the class (Counselor or Minister-Counselor) to which appointed.
- b. An appointment at an advanced level within the Counselor class may be made by the head of agency or designee based on a determination that the individual possesses needed skills that are not currently available and that warrant a higher pay level and/or based on an individual's annual earnings as indicated by appropriate documentation.

### **3 FAM 3122.4 Promotion**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

See 3 FAM 2320.

### **3 FAM 3122.5 Adjustment of Basic Salary Rates for SFS Members**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. A member of the Senior Foreign Service (SFS) may not receive an adjustment to the basic salary rate more than once during any 12-month period. For this purpose, an adjustment does not include the initial pay setting upon a member's appointment into the Senior Foreign Service, a pay adjustment made

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U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

pursuant to a promotion to another class in the SFS, or a pay structure adjustment pursuant to an Executive Order or statute, but does include a pay adjustment for performance or contribution to agency mission made within a class of the SFS.

- b. Application of the 1-in-12 month rule may be waived for certain pay adjustments affecting the SFS to the extent consistent with authority granted by the Office of Personnel Management (OPM) regarding the Senior Executive Service.

## **3 FAM 3122.6 Performance-Based Salary Adjustments**

### **3 FAM 3122.6-1 Policy**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

It is the policy of the Department that increases may be granted in recognition of sustained excellent performance.

### **3 FAM 3122.6-2 Applicability**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

This section applies to all members of the Senior Foreign Service (SFS) whose rate of basic pay in his or her SFS class (Counselor or Minister-Counselor) is less than the maximum rate for his or her class.

## **3 FAM 3123 CHARGÉ D’AFFAIRES PAY**

### **3 FAM 3123.1 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

See 22 U.S.C. 3971 (Section 4100 of the Foreign Service Act of 1980, as amended).

### **3 FAM 3123.2 Definition**

*(TL:PER-327; 11-6-96)*

*(State Only)*

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

*(Applies to Foreign Service Employees Only)*

Chargé pay: The additional compensation payable to:

- (1) A Foreign Service officer or any other officer with the appropriate commissioned title, including a Foreign Service information officer, serving as a chargé d'affaires ad interim at a diplomatic mission; or
- (2) A Foreign Service officer or consular officer who is not a Foreign Service officer serving as acting principal officer at a consulate general, a consulate, or a U.S. Interests Section.

### **3 FAM 3123.3 Criteria**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. An officer must complete a waiting period of 28 calendar days in charge of a post in an acting capacity pursuant to a permanent or temporary transfer of office under 3 FAM 1420 or pursuant to assignment to a newly established mission as chargé d'affaires ad interim before becoming eligible for chargé pay.
- b. Chargé pay does not accrue during the 28-day waiting period required to establish eligibility.
- c. Chargé pay accrues for periods of service in an acting capacity of 7 consecutive calendar days or more.
- d. There is no authority for chargé pay for any period of service at a newly established consular post or U.S. Interests Section prior to the arrival of the first principal officer.
- e. Chargé pay does not accrue for any period of service between the date a mission is first established and the date a pay level for the mission is determined.

### **3 FAM 3123.4 Rates**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. The regular rate of chargé pay is one-half the difference between the basic salary of the officer acting in charge and the basic salary provided for the position of chief of mission or the basic salary of the principal officer most recently in charge, as appropriate.
- b. The special rate of chargé pay may be either 3/4 of the difference or the full difference between the basic salary of the officer temporarily in charge and the basic salary provided for the position of chief of mission or the basic salary of



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U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

the principal officer most recently in charge, as appropriate.

- c. The reduced rate is one-half the full amount under paragraph a of this section.

### **3 FAM 3123.5 Administration**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. Officers must be entitled to chargé pay at the regular rate unless a special rate or reduced rate is authorized by the Deputy Assistant Secretary for Human Resources.
- b. The effective date of any adjustment in basic salary upon which the percentage of difference is computed must be the effective date of any adjustment in the rate of chargé pay.

## **3 FAM 3124 CIVIL SERVICE SALARIES**

### **3 FAM 3124.1 Authorities**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Authorities include:

- (1) 5 CFR 530, Pay Rates and Systems (General);
- (2) 5 CFR 531, Pay Under the General Schedule;
- (3) 5 CFR 534, Subpart D, Pay and Performance Awards Under the Senior Executive Service (SES);
- (4) 5 CFR 534, Subpart E, Pay for Senior Level and Scientific and Professional Positions; and
- (5) 5 CFR, Chapter II, Merit Systems Protection Board.

### **3 FAM 3124.2 General**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Pay under the General Schedule and for certain exempt categories is covered under this subchapter.
- b. This subchapter sets forth policies of the Department of State within the law and regulations.

### **3 FAM 3124.3 Within-Grade Increases (WGIs)**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

These regulations must be read together with 5 CFR 531, Subpart D.

#### **3 FAM 3124.3-1 Acceptable Level of Performance Determinations**

##### **3 FAM 3124.3-1(A) Supervisory Responsibility**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

To grant a within-grade increase (WGI), supervisors must make a determination that the employee has been performing the duties of the position at an acceptable level of competence based on the employee's most recent rating of record. Negative determinations must be directly related to performance and those not meeting this criteria (i.e., conduct problems, leave abuse, etc.) should be addressed through procedures appropriate to the problem.

##### **3 FAM 3124.3-1(B) Delayed Determination**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Determinations under this section must be delayed when the employee:
  - (1) Has not had a performance plan for a period of 120 days when the within-grade increase (WGI) is due and has not been given a performance rating in any position within 90 days before the end of the waiting period; or
  - (2) Is reduced in grade because of unsatisfactory performance and has not served in the position at the lower grade for at least 120 days.
- b. In the above cases, the employee must be informed:
  - (1) That the determination will be delayed; and
  - (2) The specific requirements for performance at a fully successful level.
- c. The delayed determination must be based on a period of performance not to exceed 120 calendar days.

##### **3 FAM 3124.3-1(C) Negative Determinations**

*(CT:PER-672; 04-26-2012)*

**UNCLASSIFIED (U)**

U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

*(State Only)*

*(Applies to Civil Service Employees Only)*

- (1) Executive directors/officers must concur with the supervisor's negative determination;
- (2) The Office of Employee Relations (HR/ER) clearance is required before a negative determination can be issued;
- (3) Negative determinations are issued in writing to the employee as soon as possible after completion of the within-grade increase (WGI) waiting period;
- (4) Reconsideration must be requested in writing to the executive director/officer not more than 15 calendar days from receipt of the negative determination notice. Executive directors/officers will establish a reconsideration file; and
- (5) Executive directors/officers (not delegatable) will provide a written final decision with HR/ER clearance within 30 days of the request for reconsideration.

### **3 FAM 3124.3-1(D) Responsibility of Gaining Bureau**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The gaining bureau is responsible for granting or denying within-grade increases (WGIs) to employees who transfer between bureaus before the effective date of the WGI. Gaining bureaus may delay the acceptable level of performance determination for not more than 120 days for employees who have not been informed of specific requirements for performance at an acceptable level of competence in the new position at least 30 days before the end of the waiting period.

### **3 FAM 3124.3-2 Appeals to the Merit Systems Protection Board**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Regulations covering the Merit Systems Protection Board (MSPB) are found in 5 CFR 2.

### **3 FAM 3124.4 Quality Step Increases (QSIs)**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Regulations governing the granting of a quality-step increase (QSI) are in 5 CFR 531, Subpart E.

#### **3 FAM 3124.4-1 Policy**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

It is the policy of the Department to provide appropriate incentives and recognition to employees for excellence in performance for sustained, exceptionally high-quality performance by granting quality step increases. (See 3 FAM 4800, Awards, for other appropriate forms of recognition.)

#### **3 FAM 3124.4-2 Frequency**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Recommendations for quality-step increases (QSIs) can be made, at the discretion of a bureau or office, at any time during the year and/or may be made concurrent with the performance appraisal process. A QSI cannot be granted to an employee who has received a QSI within the preceding 52 consecutive calendar weeks.

#### **3 FAM 3124.4-3 Effective Date**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Quality-step increases (QSIs) will be effective on the first day of the first full pay period following the date of receipt of the final approved Form DS-1968, Quality Step Increase (QSI) Recommendation, in the office authorized to approve Form SF-52, Request for Personnel Action. All approvals, requirements for documentation, and time limitations prescribed in 3 FAH-1 H-3120 must be met in order to effect the QSI.

### **3 FAM 3124.4-4 Eligibility**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. An employee occupying a permanent position that is paid under the General Schedule (GS, GM, GG) and who is receiving less than the maximum rate of pay for his or her grade level is eligible for a quality-step increase (QSI).
- b. A permanent position is a position filled by an employee whose appointment is not designated as temporary by law and does not have a definite time limitation of 1 year or less, 5 CFR 531.403. For example, employees on career, career-conditional, TAPER or Term appointments in the competitive service are eligible for QSIs. Employees in the excepted service who are on an appointment that meets the definition herein are also eligible for QSIs (e.g., Presidential Interns under the Presidential Management Intern Program (PMI); attorneys appointed under Schedule A; training instructors appointed under Section 704(4)(A)(B) of the Foreign Service Act; and severely physically handicapped persons who are appointed under 5 CFR 213.3102(u)).
- c. An employee's rating of record must be at the Outstanding level or the highest summary level used by the performance appraisal program. (Employees under the Department-wide program must have an Outstanding rating of record.)
- d. In addition to the eligibility requirements herein, the documentation submitted in support of the QSI must clearly sustain the following conclusions:
  - (1) The employee's overall performance of his or her major work requirements and responsibilities substantially exceeds the Fully Successful level of performance;
  - (2) The employee's performance has been at a sustained high level of quality for a period of time sufficient to conclude that such a level of achievement is characteristic of the employee's performance; and
  - (3) The high-quality performance by the employee is likely to continue. (A QSI increases the employee's rate of basic pay and provides a continuing benefit to the employee. In contrast, other forms of recognition under the awards program provide a one-time benefit.)
- e. When an employee has been assigned to another position (including career-ladder promotions) during the appraisal period (e.g., promotion, reassignment, change to lower grade), a further determination must be made on his or her eligibility for a QSI. In addition to the requirements herein, the employee must have been under written job elements and standards in the newly assigned position for at least the minimum period required before he or she can be appraised. A determination must be made that the employee has demonstrated the required level of performance for a QSI during this new minimum period. (The minimum period required by the Department-wide

## UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

program is 120 days.)

- f. Employees who are promoted prior to the effective date of a QSI recommendation are ineligible to receive the quality step increase. Promotion to a new position or grade results in a new performance plan and a new waiting period as discussed in paragraph e of this section. (See 3 FAM 4800, Awards, for other appropriate forms of recognition.)
- g. Employees who have received a cash award for superior or sustained performance under 3 FAM 4800 may not receive a QSI for the same period of performance already recognized by the cash award. (Receipt of a cash award for a one-time act during the 52-week period will not affect an employee's eligibility for a QSI.)

### 3 FAM 3124.4-5 Limitations

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Quality-step increases (QSIs) are limited to a fixed percentage of the General Schedule population covered by the Performance Appraisal System on the rolls of a bureau or office as of the end of the calendar year (December 31). This percentage is determined on an annual basis by the Under Secretary for Management (M).

### 3 FAM 3124.4-6 Justification, Recommendation, and Approval

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Employees are nominated for quality-step increases (QSIs) and are documented, processed, and approved in accordance with these regulations. Form DS-1968, Quality Step Increase (QSI) Recommendation, and Form DS-1968-I, Quality Step Increase Guidelines and Fact Sheet and Check List for Quality Step Increases (QSIs), are available on e-Forms.

### 3 FAM 3124.5 Exempted Positions

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Exempted positions are those positions that are exempted from the coverage of the classification laws by 5 U.S.C. 51 or by other legislation. Those exempted positions for which compensation is legally limited to rates not exceeding maximum rates provided by the General Schedule are classified in an exempted schedule of grades, e.g., GG, ED (Expert), and EF (Consultant), in general

## UNCLASSIFIED (U)

U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

conformance with the standards used for positions subject to the classification laws for which identical salary rates are established. These regulations do not cover exempted positions for which compensation is specifically fixed by statute, e.g., EX.

### **3 FAM 3124.5-1 Determining Rates of Compensation**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

When employees in exempted schedules are appointed, promoted to a higher grade, reassigned to a position at the same or lower grade, reemployed or demoted by reduction-in-force action, the general policy of the Department is to apply the same rules governing determination of salary rates as those established for employees in or moving to positions subject to the classification laws.

### **3 FAM 3124.5-2 Within-Grade Increases (WGIs)**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Within-grade increases (WGIs) are not provided by law for employees occupying exempted positions. It is the Department's policy to grant such increases, within available appropriations, in the same manner and subject to the same requirements and procedures applying to WGIs under the General Schedule (GS).

### **3 FAM 3124.6 Severance Pay**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

5 U.S.C. 5595 and 5 CFR 550, Subpart G, provide statutory authority and detailed regulations on severance pay.

### **3 FAM 3124.7 Back Pay Due to Unjustified Personnel Action**

#### **3 FAM 3124.7-1 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Authorities include:



- (1) 5 U.S.C. 5596; and
- (2) 5 CFR 550, Subpart H.

### **3 FAM 3124.7-2 General**

*(TL:PER-494; 03-10-2004)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The Director General of the Foreign Service and Director of Human Resources is the appropriate authority and has determined that back pay with interest will be paid to employees meeting the criteria of unjustified or unwarranted personnel action under 5 U.S.C. 5596.

### **3 FAM 3124.8 Grade and Pay Retention**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The Office of Civil Service Human Resource Management (HR/CSHRM) is responsible for administering the grade and pay retention provisions provided under 5 U.S.C. 5361 through 5 U.S.C. 5366, and 5 CFR 536.

### **3 FAM 3124.9 Highest Previous Rate**

#### **3 FAM 3124.9-1 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The authority for this section is 5 CFR 531.

#### **3 FAM 3124.9-2 Policy**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The highest previous rate computation (5 CFR 531.203(c)(1)) will be used to set salary for General Schedule (GS) employees in all cases except those specifically excluded by law (5 U.S.C. 5334), rule (5 CFR 531.203(d)(2)), or Department regulations.
- b. Departmental exceptions include the following situations:
  - (1) Downgrade for conduct or performance reasons;



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U.S. Department of State Foreign Affairs Manual Volume 3  
Personnel

- (2) Downgrade after a temporary promotion unless the employee was in the higher-grade position for more than 1 year (see 5 CFR 531.204(c)(1) for setting pay);
- (3) When an employee is promoted as a result of a selection through the Merit Promotion Program, remains in the new position less than a year, and voluntarily requests a downgrade to his or her old position or a similar position, pay will be set as in subparagraph b(2) of this section; or
- (4) When any appointment is made on a temporary (not-to-exceed 1 year) basis and the bureau making the appointment sets pay at less than the highest previous rate.

## **3 FAM 3125 VOLUNTARY AND GRATUITOUS SERVICE**

### **3 FAM 3125.1 Authority**

*(CT:PER-672; 04-26-2012)*

*(State Only)*

*(Applies to Non-Employee Volunteers Only)*

Authorities for this subchapter are:

- 5 U.S.C. 3111
- 31 U.S.C. 1342
- 7 Comp. Gen. 180
- 27 Comp. Gen. 131

### **3 FAM 3125.2 General**

*(TL:PER-327; 11-6-96)*

*(State Only)*

*(Applies to Non-Employee Student Volunteers Only)*

5 U.S.C. 3111 authorizes acceptance of voluntary service from students. The other authorities prohibit the acceptance of voluntary services and allow gratuitous services under specified conditions.

## **3 FAM 3126 THROUGH 3129 UNASSIGNED**